

Foreign charter operator means any person not a citizen of the United States, as defined in this section (other than a direct air carrier), who is (1) engaged in the formation of groups for transportation on Public Charters which originate in a foreign country and over whom the Board has declined to exercise its jurisdiction, or (2) engaged in the formation of groups for transportation on Public Charters which originate in the United States and who either holds a permit issued under section 402 of the Act authorizing such transportation or is registered under subpart F of this part: *Provided, however,* That with respect to §§ 380.21, 380.24, 380.25, 380.26–36 and 380.50, the definition for *foreign charter operator* is confined to the definition set forth in paragraph (2) of this definition.

Foreign educational institution means an educational institution located in a foreign country that is (1) empowered to grant college degrees or secondary school diplomas by the government of that foreign country, and (2) operated as a school on a year-round basis.

Itinerary means all the components of a charter package, as described in the prospectus, including not only the points named therein but also all hotels, and other ground accommodations and services described therein.

Public Charter means a one-way or round-trip charter to be performed by one or more direct air carriers, which is arranged and sponsored by a charter operator and which meets the requirements set forth in subpart B of this part.

Public Charter operator means (1) any citizen of the United States, as defined in this section (other than a direct air carrier), who is authorized hereunder to engage in the formation of groups for transportation on Public Charters in accordance with the provisions of this part; or (2) a foreign charter operator.

Round trip refers to any round, open-jaw, or circle trip which includes an inbound flight returning to a point no more than 50 air miles from the point of origin.

Securer means the charter operator's surety company, if a surety bond is used, or the bank making the security

agreement, if a security agreement other than a bond is used.

Security agreement means either a surety bond in the form set forth in appendix A, a surety trust agreement in the form set forth in appendix F, or an arrangement with a bank that provides protection of charter participants' funds equivalent to or greater than that provided by the bond.

Solicitation material includes all advertisements in print or electronic media, brochures, and any other materials prepared or distributed by or on behalf of a charter operator to solicit participation in a Public Charter.

(Secs. 101(3), 204, 401, 402, 404, 407, 411, 416, and 1102 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, 760, 766, 771, 791; 49 U.S.C. 1301, 1324, 1371, 1372, 1374, 1377, 1381, 1386, and 1502; secs. 101(3), 204(a), 401, 402, and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 754, 757, and 92 Stat. 1731; (49 U.S.C. 1301, 1324(a), 1371, 1372, and 1386))

[SPR-149, 43 FR 36604, Aug. 18, 1978, as amended by SPR-156, 44 FR 12978, Mar. 9, 1979; SPR-164, 44 FR 49445, Aug. 23, 1979; SPR-165, 44 FR 51209, Aug. 31, 1979; SPR-168, 45 FR 1856, Jan. 9, 1980; SPR-171, 45 FR 46801, July 11, 1980; SPR-179, 46 FR 56607, Nov. 18, 1981; Docket No. 49385, 59 FR 61515, Nov. 30, 1994]

§ 380.3 Waivers.

A waiver of any of the provisions of this part may be granted by the Board upon its own initiative, or upon the joint submission by a direct air carrier and a charter operator of a written request therefor not less than 30 days prior to the flight to which it relates, provided that such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

§ 380.4 Enforcement.

In the case of any violation of the provisions of the Act, or of this part, or any other rule, regulation, or order issued under the Act, the violator may